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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,079	10/20/2000	JON DAKSS	WMI-004 (8415/4)	7895

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CHRISTIE, PARKER & HALE, LLP  
350 WEST COLORADO BOULEVARD  
SUITE 500  
PASADENA, CA 91105

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/08/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/694,079

**Applicant(s)**

DAKSS ET AL.

**Examiner**

Andrew Y Koenig

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-28, 33-43, 49-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 26-28, 33-43, 49-51 have been considered but are moot in view of the new ground(s) of rejection.

In the Office Action mailed 20 November 2003, the examiner objected to claim 28 as being allowable if written in independent form. The examiner regrets after reviewing the claim, to reject formerly objected to claim 28.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-28, 33, 35-43, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. U.S. in view of U.S. Patent 6,415,438 to Blackketter et al.

Regarding claim 26, Kaiser is silent on the timing information comprising one of a timestamp, timecode, frame numbering, or global time of day. Blackketter teaches inserting triggers with a time attribute (col. 4, ll. 64-67), such as a frame number (col. 6, ll. 16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using time information such as a frame

number as taught by Blackketter in order to eliminate a delay loop (Blackketter: col. 2, ll. 59-61).

Regarding claim 28, Kaiser teaches a reproduction apparatus (fig. 1, label 1300) in communication with a broadcast channel (col. 4, ll. 59-67; col. 5, ll. 22-31), a display (fig. 1, label 1200) (claimed display device). Kaiser teaches a receiver decoding a digital signal to recover a video signal (such as high definition television formats, see col. 5, ll. 30) and annotation data (fig. 2). Kaiser teaches displaying annotation information in response to a viewer request (fig. 5, col. 9, ll. 37-65), which is available on a frame-by-frame basis.

Kaiser teaches is silent on the annotation data having equal timing information. Blackketter teaches life spans for triggers, which clearly permits the equal timing information of annotation data (col. 10, ll. 1-12), in that one would readily recognize that equal timing is an inherent feature of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by having equal timing information for annotation data as taught by Blackketter in order to present the triggers to the user in an effective and predictable fashion thereby increasing user interactivity. Kaiser teaches the user selecting which of the annotations is to be displayed (col. 9, ll. 37-65).

Regarding claim 27, Kaiser clearly synchronizes the placement zones and the video in response to timing information in order to place the placement zones over the proper location, such as a car as shown in figures 6A-6D.

Regarding claim 33, Kaiser teaches product purchase actions (col. 12, ll. 29-54), which reads on information regarding goods and services.

Regarding claim 35 and 36, Kaiser teaches a placement zone which references a product being displayed, wherein the placement zone is a location of an object (Abstract).

Regarding claims 37-39, Kaiser teaches placement zones for various frames (fig. 2, col. 6, ll. 9-17), wherein the placement can track an image at the upper left corner (col. 10, ll. 34-38). Whereas Kaiser is silent on a location reference at the centroid pixel, Official Notice is taken that a center position is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using a center position (as a reference point) in order to properly track an image thereby increasing the effectiveness of the placement zone.

Regarding claims 40-42, Kaiser teaches location and shape information such as the shape and location of the car (col. 10, ll. 34-38), see figures 6A-6D, wherein the visual highlight (fig. 6B, label 6500) is a graphical overlay and has an outline of the car.

Regarding claim 43, Kaiser is silent on a mathematical representation of set of pixels. Official Notice is taken that mathematical representation of pixels are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using a mathematical representation in order to save bandwidth and process the information at the client side.

Regarding claim 49, Kaiser teaches a back channel (fig. 1, label 1400-data network).

Regarding claim 50, Kaiser teaches product selection or information (col. 3, ll. 3-5), collecting user information (col. 14, ll. 3-21), and accepting information regarding a commercial transaction and completing the transaction (fig. 9).

Regarding claim 51, Kaiser performs a 'secure transaction verification' procedure (fig. 9, label 9300), which in the broadest reasonable sense has some information regarding a viewer identifier in order to identify the viewer.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. and U.S. Patent 6,415,438 to Blackketter et al. in view of U.S. Patent to Hidary et al.

Regarding claim 34, Kaiser is silent on non-commercial information, which is taught by Hidary (col. 2, ll. 43-48, col. 8, ll. 18-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by providing non-commercial information as taught by Hidary in order to provide additional information to the user, such as web sites, thereby increasing user-interactivity.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ayk



**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**